

# **ATTACHMENT A**

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

---

Brandon Deutsch, *individually and on  
behalf of all others similarly situated*,

Case No. 20-cv-318 (SRN/ECW)

Plaintiffs,

v.

My Pillow, Inc.,

Defendant.

---

**NOTICE OF YOUR RIGHT TO JOIN LAWSUIT SEEKING UNPAID WAGES**

**TO:** All current and former Customer Service/Sales Representative employees, or other job titles performing the same or similar job duties, who worked more than forty hours per week for My Pillow at any time in the last three years and were not paid overtime for every hour worked over 40 in a workweek where the workweek included unpaid time for pre-shift and/or post-break time spent booting up and/or logging in to computers and computer applications before being able to clock in and begin being paid.

**Note:** This notice is not an expression of any opinion by the court about the merits of any claims asserted by the Plaintiffs or defenses asserted by the Defendant as this is ongoing litigation in which those issues have not yet been decided.

**1. INTRODUCTION**

This Notice is to inform you of the existence of a collective-action lawsuit against My Pillow, Inc. in which you may be able to make a claim for damages under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. §§ 201, *et seq.*, to advise you of how your rights may be affected by this lawsuit, and to instruct you on the procedure for participating in this lawsuit, if you so choose.

**2. DESCRIPTION OF THE LAWSUIT**

On January 24, 2020, Brandon Deutsch, on behalf of himself and others similarly situated, filed a lawsuit in the United States District Court for the District of Minnesota against

Defendant. On June 16, 2020, the complaint was amended to include additional allegations.

Plaintiffs represent all current and former Customer Service/Sales Representatives (“CSRs”) employed by Defendant who worked off-the-clock during their pre-shift and/or post-break time spent booting up and/or logging in to computers and computer applications. Plaintiffs allege unpaid wages, including unpaid premium overtime wages for pre-shift and/or post-break off-the-clock time spent booting up and/or logging in to computers and computer applications.

Plaintiffs filed this lawsuit individually and on behalf of all other similarly situated CSRs claiming Defendant violated their rights under the FLSA. The lawsuit seeks back pay and liquidated damages equal to the amount of unpaid or underpaid overtime wages owed under the FLSA. The lawsuit also asks that Defendant be required to pay Plaintiffs’ costs and attorneys’ fees.

Defendant denies Plaintiffs’ allegations.

### **3. ELIGIBILITY TO PARTICIPATE IN THE LAWSUIT**

Plaintiffs bring this collective action on behalf of:

*All current and former Customer Service/Sales Representative employees, or other job titles performing the same or similar job duties, who worked more than forty hours per week for My Pillow at any time in the last three years and were not paid overtime for every hour worked over 40 in a workweek where the workweek included unpaid time for pre-shift and/or post-break time spent booting up and/or logging in to computers and computer applications before being able to clock in and begin being paid.*

If you meet this description and you believe Defendant failed to properly compensate you for time worked, you may have the right to make an FLSA claim against Defendant in this lawsuit to recover unpaid wages, liquidated damages, costs, and attorneys’ fees. It is entirely your own decision whether to join this lawsuit.

### **4. EFFECT OF JOINING THIS LAWSUIT**

If you choose to join in this lawsuit and complete the steps in section 7 then you will become an opt-in plaintiff in this lawsuit and you will be bound by any judgment, whether it is favorable or unfavorable. This means that if you win, you may be eligible to share in the monetary award. If you lose, no money will be awarded and you will not be able to file another lawsuit regarding the matter raised in this lawsuit.

If you sign and return the enclosed Consent to Sue form and are joined in the lawsuit, you are agreeing to designate Plaintiffs as your agents to make decisions on your behalf

concerning the litigation, the method and manner of conducting this litigation, the entering of an agreement with Plaintiffs' attorneys concerning attorneys' fees and costs, and all other matters pertaining to this lawsuit. These decisions made and entered into by the Plaintiffs and any other representatives will be binding on you if you join this lawsuit.

While this lawsuit is proceeding, you may be required to respond under oath to written questions, have your deposition taken, produce documents, and/or testify in court at a trial or hearing in the United States Federal Courthouse in St. Paul, Minnesota.

**5. NO LEGAL EFFECT IF YOU CHOSE NOT TO JOIN THIS LAWSUIT**

If you do not wish to be part of this lawsuit, you do not need to do anything. If you do not join the lawsuit, you will not be part of the lawsuit in any way and you will not be bound by or affected by the result (whether favorable or unfavorable). In other words, if you do not return a Consent to Sue form, you will not receive any unpaid overtime wages or other relief granted under this lawsuit if Plaintiffs prevail on their FLSA claims.

Your decision to not join this lawsuit will not affect your right to bring a similar lawsuit on your own. If you intend to bring your own lawsuit, you should be aware that the statute of limitations is running on your potential claims, which means you may be losing potential claims each week that you wait to assert them.

**6. YOUR LEGAL REPRESENTATION IF YOU JOIN THIS LAWSUIT**

The attorneys for Plaintiffs and the proposed opt-in class is the law firm of Johnson Becker, PLLC. The address and telephone number is:

Timothy J. Becker  
Jacob R. Rusch  
Johnson Becker, PLLC  
444 Cedar Street, Suite 1800  
St. Paul, Minnesota 55101  
Telephone: (855) 779-3572  
[tbecker@johnsonbecker.com](mailto:tbecker@johnsonbecker.com)  
[jrusch@johnsonbecker.com](mailto:jrusch@johnsonbecker.com)

If you choose to join the lawsuit, you agree that Plaintiffs' attorneys will be representing you in this Action. At this time, you will not be required to pay any attorneys' fees or court costs to the Plaintiffs' attorneys. Rather, in the event the Plaintiffs prevail in the lawsuit, either by judgment or settlement, Plaintiffs' attorneys will be requesting the Court order Defendant to pay Plaintiffs' attorneys their reasonable attorneys' fees and reimburse them for any expenses incurred in prosecuting this Action. The Court must approve any fees and costs received by Plaintiffs' attorneys.

**7. HOW TO JOIN THIS LAWSUIT**

If you wish to join this lawsuit, you must complete, sign, and mail the enclosed Consent to Sue form and return it in one of the following three ways NO LATER THAN [DATE]

1. Mailing the form in the enclosed pre-paid, addressed envelope to:  
Yer Thao  
JOHNSON BECKER, PLLC  
444 Cedar Street, Suite 1800  
St. Paul, MN 55101
2. Faxing it to Johnson Becker at 612-436-1950, ATTN Yer Thao; or
3. Signing it electronically and emailing your completed Consent to Sue form to: [ythao@johnsonbecker.com](mailto:ythao@johnsonbecker.com).

**YOUR SIGNED CONSENT TO SUE FORM MUST BE FILED WITH THE COURT BY [DATE] FOR YOU TO BE ELIGIBLE TO PARTICIPATE IN THIS LAWSUIT.**

You must return the Consent to Sue form by the deadline above to preserve any legal right you may have to participate in this lawsuit. Until your Consent to Sue is filed with the court the statute of limitations ordinarily continues to run on your potential individual claim for unpaid wages.

If you complete and timely return a Consent to Sue form, your continued right to participate in this lawsuit may depend upon a later decision by the court that you and Plaintiffs are similarly situated. If the court finds you and the Plaintiffs are not similarly situated you may refile your own FLSA lawsuit within the time provided by law.

**8. NO RETALIATION PERMITTED**

Federal law prohibits Defendant from terminating your employment, discharging you, or in any other manner discriminating against you because you joined this lawsuit or in any other way exercised your rights under the FLSA.

**9. FURTHER INFORMATION**

For further information about this lawsuit, you may contact Plaintiffs' attorneys by mail at the addresses indicated above in paragraph 7, by telephone at (800) 279-6386, extension 855, or by e-mail at [ythao@johnsonbecker.com](mailto:ythao@johnsonbecker.com).

**DO NOT ATTEMPT TO CONTACT THE COURT, THE COURT'S CLERK, OR THE JUDGE. THEY ARE NOT PERMITTED TO ADDRESS YOUR INQUIRIES OR QUESTIONS.**